

RECEIVED

1 James Alan Bush  
08 FEB 14 5 PM 4:18  
2 1745 Marietta Avenue #3  
San Jose, CA 95126  
RICHARD W. WIEKING CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. in pro se

FILED

FEB 04 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

N/C

12 James Alan Bush	)	CASE NO.: C 08-00539 JF (RS)
	)	
13 Plaintiff	)	MOTION FOR EX PARTE ORDER TO
	)	COMPEL RECOVERY AND SEIZURE
14 v.	)	OF STOLEN EVIDENCE
	)	
15 United States Attorney General,	)	
et al.,	)	
16	)	
Defendants.	)	Judge: Jeremy Fogel
17	)	

19 Plaintiff, James Alan Bush, prays the Court order the San Jose  
20 Police Department to recover and seize evidence related to this matter  
21 (and a pending matter), which was stolen from Plaintiff's home, at  
22 1745 De Marietta Avenue #3, San Jose, California 95126.

23 The evidence consists of:

- 24 • LG VX9800 Cellphone: identifying marks include a broken front  
25 screen, which is noticeable only when the phone is turned on;  
26 and,

- 1 • DVD case, with up to 15 DVDs: most are marked "Evidence,"  
2 followed by a date, written in black ink via a felt marker.

3  
4 By his own admission, Lamont Doe aka "Don" aka "Donnie", is in  
5 possession of both items, and is keeping them at his residence,  
6 situated at **1174 Francisco Avenue, San Jose, CA 95126**.

7 Given the sensitive nature and volatility of the subject matter,  
8 Plaintiff seeks immediate relief.

9  
10 **ABSENCE OF AVAILABLE AND EFFECTIVE REMEDIES**

11 The San Jose Police Department and the Santa Clara County Sheriff's  
12 Office have been notified of the burglary as of February 1<sup>st</sup>, 2008.  
13 Consequently, San Jose Police Department opened a case (No. 08-032-  
14 9727); however, they are refusing and/or are unable to properly and  
15 effectively investigate the event and bring the perpetrator to  
16 justice.

17 Given further other substantial indicators of local law enforcement  
18 acquiescence in this crime and its unwillingness to support legal  
19 initiatives that might be undertaken to obtain relief for the  
20 plaintiff, efforts to secure remedies through local law enforcement  
21 must be considered futile. Moreover, any efforts to obtain relief from  
22 local law enforcement could well result in further serious reprisals  
23 against the plaintiff for making allegations of wrongdoing on the part  
24 of high-level law enforcement agencies, as well as against the local  
25 attorneys representing the complainant.

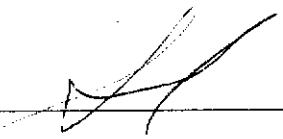
26 For this reason, requirements for exhaustion of efforts to obtain

1 local relief should be considered waived and satisfied.

2

3 Plaintiff asserts that, to his full knowledge and to the best of his  
4 ability, the information contained in this document is true.

5

6 Signed:  \_\_\_\_\_

Dated: 2-2-08